

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 623

Instructional Materials for K-12 Public Education

SPONSOR(S): Burgin and others

TIED BILLS:

IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	PreK-12 Policy Committee	12 Y, 2 N, As CS	Duncan	Ahearn
2)	PreK-12 Appropriations Committee	9 Y, 0 N, As CS	Seifert	Heflin
3)	Education Policy Council		White	Lowell
4)				
5)				

SUMMARY ANALYSIS

State funding for instructional materials is provided annually in the General Appropriations Act through the Florida Education Finance Program (FEFP). "Instructional materials" is one of the state-funded categorical programs within the FEFP. As a categorical, these funds may only be used to purchase instructional materials.

Each district school board must use at least 50 percent of the allocated "instructional materials" funds to purchase instructional materials on the state-adopted list. The remainder of the funds may be used to purchase instructional materials not on the state-adopted list, including library and reference books and nonprint materials and for the repair and renovation of textbooks and library books. Funds available to purchase state-adopted or non state-adopted instructional materials cannot be used to purchase electronic or computer hardware even if such hardware is bundled with software or other electronic media.

The bill adds "electronic textbooks" to the list of non state-adopted instructional materials that may be purchased by district school boards. In addition, with regard to non state-adopted instructional materials, beginning with the 2012-2013 fiscal year, the bill eliminates the current prohibition against the purchase of electronic or computer hardware. Instead, the bill authorizes the purchase of electronic or computer hardware, but only if the hardware is purchased for the **sole purpose** of delivering instructional materials content in an electronic format.

A district school board has the duty to provide "adequate instructional materials" for all students. The bill amends the definition of "adequate instructional materials" to include electronic textbooks. In addition, a district school board has the duty, among other things, to provide teaching accessories and aides; the bill adds to that, the provision of "technology."

This bill does not appear to have a fiscal impact on state or local government revenues or expenditures.

The bill provides an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Law

Instructional Materials

State funding for instructional materials is provided annually in the General Appropriations Act through the Florida Education Finance Program (FEFP).¹ "Instructional materials" is one of the state-funded categorical programs within the FEFP. As a categorical, these funds may only be used to purchase instructional materials.

Each district school board must use at least 50 percent of the allocated "instructional materials" funds to purchase instructional materials on the state-adopted list.² The remainder of the funds may be used to purchase instructional materials not on the state-adopted list, including library and reference books and nonprint materials and for the repair and renovation of textbooks and library books.³ Funds available to purchase state-adopted or non state-adopted instructional materials cannot be used to purchase electronic or computer hardware even if such hardware is bundled with software or other electronic media.⁴ District school boards may purchase computer hardware with other state FEFP funds (not from the instructional materials categorical program) and with capital outlay funds.⁵

¹ The Florida Education Finance Program (FEFP) is the mechanism used by the state to fund the operating costs of Florida's school districts. *See* s. 1011.67, F.S., and s. 1011.67(1), F.S.

² For purposes of state adoption, instructional materials means items having intellectual content that, by design, serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. The term does not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies. Section 1006.29(4), F.S.

³ Items not on the state-adopted list must be used to purchase instructional materials or other items having intellectual content which assist in the instruction of a subject or course. These items may include replacements for items which were part of previously purchased instructional materials and other commonly accepted instructional tools as prescribed by district board rule. Section 1006.40(3)(b) & (4), F.S.

⁴ Sections 1006.29(4) & 1006.40(4), F.S.

⁵ The Discretionary Capital Outlay Levy is a statutorily authorized discretionary property tax that district school boards may levy without approval of the electorate. *See* s. 1011.71(2), F.S.

The table below provides the amount of funding allocated to Florida's school districts during Fiscal Years 2007-2008 through 2009-2010.

Instructional Materials Funding ⁶	
Fiscal Year	Amount (Millions)
2007-2008	\$266.4
2008-2009	\$253.9
2009-2010	\$246.4 ⁷

Effect of Proposed Changes

The bill adds "electronic textbooks" to the list of non state-adopted instructional materials that may be purchased by school districts. In addition, with regard to non state-adopted instructional materials, beginning with the 2012-2013 fiscal year, the bill eliminates the current prohibition against the purchase of electronic or computer hardware. Instead, the bill authorizes the purchase of electronic or computer hardware, but only if the hardware is purchased for the **sole purpose** of delivering instructional materials content in an electronic format.

Current Law

District School Board Responsibilities

A district school board has the duty to provide adequate instructional materials for all students. "Adequate instructional materials" means a "sufficient number of textbooks or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature."⁸ The term does not expressly include electronic textbooks.

Furthermore, a district school board must:

- Adopt courses of study for use in schools of the district;
- Provide for the requisitioning, distribution, accounting, storage, care, and use of all instructional materials furnished by the state and furnish such other instructional materials as necessary;
- Provide other teaching accessories and aides as needed for the school district's educational program; and
- Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the

⁶ Chapters 2007-072, 2007-326, 2008-001, 2008-152, 2009-001, and 2009-081, L.O.F.

⁷ Funding for Fiscal Year 2009-2010 includes \$30.3 million for education technology from the federal American Recovery and Reinvestment Act of 2009 appropriated through the state's 2009-2010 General Appropriations Act. The Department of Education is directed to implement a technology grant program for school districts to demonstrate the use of technology in teacher professional development and student instruction in science, technology, engineering, and mathematics (STEM) content areas. The student portion should incorporate the use of classroom laptops and personal learning devices that are mobile and able to extend learning beyond the classroom day. The teacher portion should combine the use of laptops and personal learning devices and should include the development and delivery of professional development linked to the newly adopted math and science standards. Ch. 2009-081, L.O.F.

⁸ Section 1006.28(1), F.S.

public, and, in addition such traveling or circulating libraries needed for the proper operation of the district school system.⁹

Effect of Proposed Changes

A district school board has the duty to provide “adequate instructional materials” for all students. The bill amends the definition of “adequate instructional materials” to include electronic textbooks. In addition, a district school board has the duty, among other things, to provide teaching accessories and aides; the bill adds to that, the provision of “technology.”

B. SECTION DIRECTORY:

Section 1: Amends s. 1006.28, F.S., relating to duties of the district school board, district school superintendent, and school principal regarding K-12 instructional materials.

Section 2: Amends s. 1006.40, F.S., relating to use of instructional materials allocation.

Section 3: Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Textbook publishing companies may be negatively affected if school districts choose to purchase electronic or computer hardware with a portion of their instructional materials allocation for non state-adopted materials.

D. FISCAL COMMENTS:

None.

⁹ Section 1006.28(1)(a)-(d), F.S.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 10, 2010, the PreK-12 Policy Committee adopted one amendment and reported the bill favorably as a Committee Substitute (CS). The difference between the House Bill and CS for HB 623 is as follows:

The bill authorizes a district school board to purchase electronic or computer hardware with the portion of the funds used to purchase materials not on the state-adopted list when bundled with software or other electronic media. CS for HB 623 modifies the provision to authorize a district school board to purchase electronic or computer hardware with funds used to purchase materials not on the state-adopted list when the hardware is provided for the sole purpose of delivering instructional materials content in an electronic format.

On March 26, 2010, the PreK-12 Appropriations Committee adopted one amendment and reported the bill favorably as a CS. The differences between CS for HB 623 and the CS/CS for HB 623 are as follows:

- CS/CS for HB 623 expands the definition of “adequate instructional materials” to include electronic textbooks and eliminates the inclusion of “hardware.”
- CS for HB 623 authorizes a district school board to purchase electronic or computer hardware with funds used to purchase materials not on the state-adopted list when the hardware is provided for the sole purpose of delivering instructional materials content in an electronic format. CS/CS for HB 623 postpones that authorization until the 2012-2013 Fiscal Year.

This analysis is drafted to CS/CS for HB 623.